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MAILED
AUG 30 2011
OFFICE OF PETITIONS

In re Application of: :
Charles R. Slater : ON PETITION
Application No. 09/484247 :
Filing or 371(c) Date: 01/18/2000 :
Atty. Docket No.: :
6530.0008-03 :

This letter is in response to the "PETITION FOR PATENT TERM ADJUSTMENT DUE TO EXAMINATION DELAY UNDER 37 C.F.R. § 1.181," filed July 26, 2011. Applicants submit that the correct patent term adjustment should be 141 days, not 79 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction based upon an assertion that the Office erred in calculating an adjustment of 79 days pursuant to 37 CFR 1.702(c).

The Office notes that the decision of August 15, 2011, treated the present petition under 37 CFR 1.705(b). However, the present application was filed on January 18, 2000. The applicable rule, 37 CFR § 1.701, Extension of patent term due to examination delay under the Uruguay Round Agreements Act, applies to original applications, other than designs, filed on or after June 8, 1995, and before May 29, 2000. The present petition, therefore, is appropriately addressed pursuant to 37 CFR 1.701.

Accordingly, the decision of August 15, 2011, is vacated.

The application file is being referred to the Office of Patent Legal Administration for a Decision on the petition for patent term extension.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

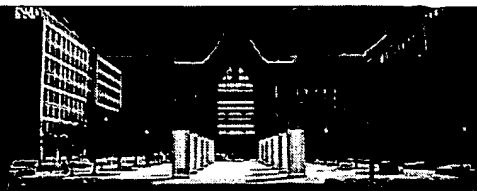
/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: [Explanation of PTA Calculation](#) [Explanation of PTE Calculation](#)

PTE Calculations for Application: 09484247

Application Filing Date	01/18/2000	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	79
A Delays	0	PTO Manual Adjustment	0
B Delays	0	Applicant Delay (APPL)	0
C Delays	0	Total PTE (days)	79

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
65	08/29/2011		P028	Adjustment of PTA Calculation by PTO		62	0
63	08/15/2011		P025	Record a Petition Decision of Granted for Patent Term Adjustment after Allowance			0
62	08/12/2011		P028	Adjustment of PTA Calculation by PTO	62		0
59	07/13/2011		MN/=	Mail Notice of Allowance	0		0
58	07/12/2011		OAR	Office Action Review	0		0
56	07/12/2011		DVER	Document Verification	0		0
55	07/12/2011		N/=	Notice of Allowance Data Verification Completed	0		0
57	07/11/2011		IREV	Issue Revision Completed	0		0
54	07/11/2011		CNTA	Allowability Notice	0		0
46	06/30/2011		ABN9	Disposal for a RCE / CPA / R129	0		0
49	06/24/2011		IDSC	Information Disclosure Statement considered	0		0
48	06/24/2011		M844	Information Disclosure Statement (IDS) Filed	0		0
47	06/24/2011		RCEX	Request for Continued Examination (RCE)	0		0
45	06/24/2011		DRWF	Workflow - Drawings Finished	0		0
44	06/24/2011		WIDS	Information Disclosure Statement (IDS) Filed	0		0
43	06/24/2011		BRCE	Workflow - Request for RCE - Begin	0		0
42	04/26/2011		FIDC	Finished Initial Data Capture	0		0
41	04/21/2011		TCPB	Printer Rush- No mailing	0		0
40	04/19/2011		PUBTC	Pub Case Remand to TC	0		0
39	04/12/2011		EIDC	Export to Initial Data Capture	0		0
38	04/07/2011		MEX.A	Mail Examiner's Amendment	0		0
37	04/07/2011		MN/=	Mail Notice of Allowance	0		0
36	04/06/2011		IREV	Issue Revision Completed	0		0
35	04/06/2011		DVER	Document Verification	0		0
34	04/06/2011		N/=	Notice of Allowance Data Verification Completed	0		0
33	04/06/2011		EX.A	Examiner's Amendment Communication	0		0
32	04/06/2011		CNTA	Allowability Notice	0		0
28	03/23/2011		IDTC	Interference dispatch to TC	0		0
27	12/09/2010		MID/F	Mail Interference Decision - Favorable	0		0
26	12/08/2010	09/21/2010	ID/F	Interference Decision on Priority - Favorable	79		25
25	09/21/2010		I.D.	Declaration of Interference	0		0
23	08/30/2010		CTID	Interference Initial Memo Disposal	0		0
22	04/09/2003		FWDX	Date Forwarded to Examiner	0		0
21	04/09/2003		EOSP	to Close the A/R Record and Reset the Status for Expired Suspensions.	0		0
20	10/08/2002		ML.SP	Mail Letter of Suspension	0		0
19	10/07/2002		L.SP	Suspension - Examiner Initiated	0		0
17	12/28/2001		FWDX	Date Forwarded to Examiner	0		0
16	12/26/2001		A...	Response after Non-Final Action	0		0
15	12/18/2001		2092	FAOM Flag Change	0		0
14	12/01/2001		MCTMS	Mail Miscellaneous Communication to Applicant	0		0
13	11/19/2001		CTMS	Miscellaneous Action with SSP	0		0
12	09/18/2001		EXIN	Examiner Interview Summary Record (PTOL - 413)	0		0
0	06/12/2001		DUMMY	Dummy Standard Action - DO Not DELETE	0		0
9	09/16/2000		DOCK	Case Docketed to Examiner in GAU	0		0
8	07/19/2000		OIPE	Application Dispatched from OIPE	0		0
7	07/18/2000		COMP	Application Is Now Complete	0		0
6	07/18/2000		CAD	Correspondence Address Change	0		0
18	07/11/2000		FLFEE	Payment of additional filing fee/Preexam	0		0
5	03/03/2000		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned	0		0
4	03/03/2000		CAD	Correspondence Address Change	0		0
3	02/17/2000		SCAN	IFW Scan & PACR Auto Security Review	0		0
2	02/17/2000		G050	Preexamination Location Change	0		0
1	01/21/2000		IEOX	Initial Exam Team nn	0		0
11	01/18/2000		A.PE	Preliminary Amendment	0		0
10	01/18/2000		A.PE	Preliminary Amendment	0		0

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